Re Box No. V

Reference is made in this Opinion to the following documents:

D1: US 2002/152320 A1 (LAU PL) October 17, 2002 (2002-10-17)

D2: DATBASE WPI, Section EI, Week 200236, Derwent Publications Ltd., London, GB; Class W02, AN 2002-316315
& CN 1 321 004 A (HUAWEI TECH CO LTD) November 7, 2001 (2001-11-07)

D3: ARDON M ET AL:"PROVIDING ULTRA-RELIABLE SERVICES USING DISTRIBUTED SWITCH ARCHITECTURES" PROCEEDINGS OF THE XIV INTERNATIONAL SWITCHING SYMPOSIUM, YOKOHAMA, JAPAN, Vol. 1, October 25, 1992 (1992-10-25), pages 169 to 173

1. The present application does not fulfill the requirements of Article 33(1) PCT as the subject-matter of claim 1 is not novel with regard to Article 33(2) PCT.
Document D1 discloses (the references in brackets refer to this document) *a method for backup switching spatially separate switching systems which are arranged in pairs in a 1:1 redundancy* (*cf.* paras [0014] to [0023]).
wherein one switching system is in an active operating state (*cf.* switching device S1, see Fig. 1 and para [0016]) *and the remaining redundant switching system* (*cf.* the switching device S2) *is in a hot-standby operating state* (*cf.* para [0023]),

wherein communication is established between at least one higher-order real-time capable monitor (cf. the network controller NC*) and at least one of the switching systems arranged in pairs* (*cf.* paras [0019], [0020] and [0023]),

wherein in the case of loss of communication to the active switching system, a changeover is made to the redundant switching system with the aid of a network management (*cf.* the

network controller NC) *and the central controller of the redundant switching system* (*cf.* para [0021]).

The subject-matter of claim 1 is therefore not novel (Article 33(2) PCT).

2. The subject-matter of claim 1 is also not inventive (Article 33(3) PCT), starting from the following documents:
- Document D2 discloses (*cf.* the Abstract) a method for backup switching, wherein the control panel (*cf.* "Control Board") of an active switching system (*cf.* "Host Switch") functions like a higher-order monitor of a hot standby-redundant switching system (*cf.* "Standby Switch") and *vice versa*.
The subject-matter of claim 1 differs from this method in that the changeover is also aided by the network management.
However, starting from the version of claim 1, the contribution of the network management is not clear, *i.e.* it is not clear how the network management aids the changeover.
On the other hand, it is also evident that the switching systems of document D2 are controlled by an - implicitly disclosed - network management. Aiding of the changeover by the network management is thus also implicitly disclosed in D2, or at least a change, which lies in the framework thereof, which a person skilled in the art tends to do on the basis of the considerations with which he is familiar, especially since the advantages achieved therewith can be readily anticipated.
Consequently, on the basis of document D2, the subject-matter of claim 1 is not based on an inventive step (Article 33(3) PCT).

- Document D3 discloses a rehoming method (*cf.* section 4.3.1), wherein a network management aids the changeover from an active switching system (*cf.* "Primary Host Switch" in Fig. 1)

to a hot standby redundant switching system (*cf.* Backup Host Switch" in Fig. 1) (*cf.* section 4.3.1.2, second para).
The subject-matter of claim 1 differs from this method in the monitor. However, in the method of document D3 a periodic check (*cf.*"periodic verification") of the two switching systems is carried out (*cf.* Fig. 1). The monitor according to claim 1 is just one of several obvious possibilities from which the person skilled in the art would, without inventive activity, accordingly select the circumstances in order to carry out this periodic check. Consequently, on the basis of document D3 as well, the subject-matter of claim 1 cannot be based on an inventive step (Article 33(3) PCT).

3. Dependent claims 2 to 10 do not contain any additional features, which in combination with the features of any claim on which they are based, satisfy the requirements of the PCT with respect to novelty (Article 33(2) PCT) and/or inventive step (Article 33(3) PCT) as the additional features relate to measures that are conventional in the field and/or are already known from documents D1 to D3.